

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

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October 11, 2022

Agenda ID #21037
Adjudicatory

TO PARTIES OF RECORD IN INVESTIGATION 19-06-015:

This is the proposed decision of Administrative Law Judge Sophia Park. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's November 17, 2022 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at icompcoordinator@cpuc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke

Acting Chief Administrative Law Judge

MLC:nd3

Attachment

Decision **PROPOSED DECISION OF ALJ PARK** (Mailed 10/11/2022)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the Commission's Own Motion into the Maintenance, Operations and Practices of Pacific Gas and Electric Company (U39E) with Respect to its Electric Facilities; and Order to Show Cause Why the Commission Should not Impose Penalties and/or Other Remedies for the Role PG&E's Electrical Facilities had in Igniting Fires in its Service Territory in 2017.

Investigation 19-06-015

**DECISION DENYING COMPENSATION TO
COUNTY OF MENDOCINO, COUNTY OF NAPA,
COUNTY OF SONOMA, AND CITY OF SANTA ROSA
FOR FAILURE TO MAKE A SUBSTANTIAL CONTRIBUTION
TO DECISION 20-05-019**

Intervenors: County of Mendocino: \$11,229.38 County of Napa: \$7,759.88 County of Sonoma: \$18,929.38 City of Santa Rosa: \$7,759.88	For contribution to Decision (D.) 20-05-019
Claimed: \$44,586.20	Awarded: \$0.00
Assigned Commissioner: Clifford Rechtschaffen	Assigned ALJ: Sophia Park

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision 20-05-019 approves with modifications the proposed settlement agreement resolving all issues in the Commission's investigation concerning the penalties and other remedies to be imposed on PG&E for the role
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	its electrical facilities played in igniting wildfires in its service territory in 2017 and 2018.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:¹

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	August 13, 2019	Verified
2. Other specified date for NOI:		
3. Date NOI filed:	September 12, 2019	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.18-12-005 See comment #1.	Verified
6. Date of ALJ ruling:	June 16, 2020	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§ 1802(h) or § 1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	See comment #1.	R.18-12-005
10. Date of ALJ ruling:		January 28, 2021
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.20-05-019	Verified
14. Date of issuance of Final Order or Decision:	May 8, 2020	Verified
15. File date of compensation request:	July 6, 2020	Verified
16. Was the request for compensation timely?		Yes

¹ All section references are to California Public Utilities Code unless indicated otherwise.

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
1	<p>ALJ Stevens issued a Ruling in R.18-12-005 on June 16, 2020, determining that the Counties of Mendocino, Napa, and Sonoma, and the City of Santa Rosa demonstrated the status of an eligible local government entity for purposes of claiming intervenor compensation. While local government eligibility is dependent on a Commission proceeding being initiated in response to a triggering event involving utility infrastructure that resulted in catastrophic material loss to the local government's residents, the eligibility determination in R.18-12-005 is based on the same triggering event that precipitated this proceeding: the 2017 wildfires started by PG&E's electrical infrastructure. The ALJ Ruling also directed the Joint Local Governments to provide additional information relating to significant financial hardship within 30 days of the issuance of the Ruling; the Joint Local Governments will provide the requested information by July 16, 2020. The local governments are submitting this claim by the statutory deadline, without a financial hardship determination, consistent with the direction given by ALJ Semcer in the first phase of R.18-12-005 and ALJ Thomas in the first phase of R.18-10-007.</p>	<p>A ruling issued on February 19, 2021 addressed the NOIs filed by the Counties of Mendocino, Napa and Sonoma, and the City of Santa Rosa's (collectively referred to as Joint Local Governments ("JLGs")) and affirmed eligibility to claim compensation pursuant to Section 1802(d). The February 19, 2021 ruling also found that this proceeding is a forum for the JLGs' participation, pursuant to Sections 1802.4 and 1803.1(c).</p>
2	<p>Mendocino, Napa, and Sonoma Counties, and the City of Santa Rosa (the Joint Local Governments) are filing a single compensation request consistent with previous direction given by ALJ Semcer and ALJ Thomas, to alleviate the administrative burden on Commission staff associated with the submission of four virtually identical compensation claims. Because the Joint Local Governments participated in this proceeding as a coalition, their substantive contributions to the final decision are equally attributable to each local government. To prevent duplicative compensation to the four</p>	<p>Noted</p>

#	Intervenor's Comment(s)	CPUC Discussion
	local governments based on their unified contributions to D.20-05-019, each local government has submitted a separate time sheet and compensation dollar amount. The time sheets and associated claim amounts reflect the local government's allocated fraction of the total time the local governments' counsel spent on issues for the coalition as a whole, as well as the time spent by each local government's attorneys and/or experts. For example, when all four local governments were represented by Ms. Somogyi during settlement negotiations, the hours recorded for Ms. Somogyi in the attached time sheets is one-fourth of the total time spent on that action or issue, while the hours recorded for each local government's internal attorneys is not divided.	

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. The Joint Local Government were key stakeholders in the settlement negotiation process, particularly with respect to the remediation, or system enhancement, measures. The settlement negotiation process began in August 2019 and concluded in December 2017 when the settlement agreement was submitted for Commission approval. As the weekly status reports filed by PG&E and	D.20-05-019, 66–70 and Ordering Paragraph 1 (approving the settlement agreement with modifications to the penalty amounts; the system enhancement measures were not significantly modified).	Not verified. Upon review of the formal record, we are unable to verify the JLGs' claim that they made a substantial contribution to the Commission's final decision. The JLGs do not demonstrate that the final decision "adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>SED show, the parties met weekly to discuss each other's positions on the matters at issue in the investigation, to resolve issues, and to propose and discuss settlement terms. While the Joint Local Governments ultimately did not join the settlement agreement, they contributed to the system enhancement measures approved in D.20-05-019.²</p>		<p>procedural recommendations" presented by the JLGs. (Section 1802(j).) The record does not reflect any factual contentions, legal contentions, or specific policy or procedural recommendations presented by the JLGs. The only documents filed by the JLGs in this proceeding include motions for party status, notices of intent to claim intervenor compensation, and a request for intervenor compensation. Other intervenors filed briefs, multiple rounds of comments, and responded to motions filed by PG&E and the Commissioner's request for review.</p> <p>We note the JLGs' attendance at settlement negotiations, as reflected in the Joint Status Reports of Pacific Gas and</p>

² Due to the confidentiality provisions of Rule 12.6 of the Commission's Rules of Practice and Procedure, the Joint Local Governments are not able to provide specific information about the settlement process.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
		Electric Company and the Safety and Enforcement Division of the California Public Utilities Commission. However, attendance at the settlement negotiations alone, is insufficient to demonstrate that the JLGs made a substantial contribution to the Commission's final decision. <i>See CPUC Discussion in Part III.D. below.</i>

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding? ³	Yes	Noted
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Noted
c. If so, provide name of other parties: Safety and Enforcement Division, TURN, the City and County of San Francisco, Public Advocates Office, Office of the Safety Advocate.		Noted
d. Intervenor's claim of non-duplication: As is demonstrated by the numerous system enhancement measures proposed as part of the settlement agreement and adopted by the Commission, the parties to this proceeding were collectively focused on enacting reforms to		The JLGs' claimed contribution to

³ The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	Intervenor's Assertion	CPUC Discussion
	PG&E's wildfire-related practices. The Joint Local Governments' perspective and participation was informed by the fact that they were impacted by the 2017 wildfires and PG&E's subsequent mitigation activities, including vegetation management and de-energization. Based on this perspective, the Joint Local Governments Proposed specific system enhancement measures that were ultimately adopted by the Commission.	D.20-05-019 is discussed above.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p>a. Intervenor's claim of cost reasonableness:</p> <p>The Joint Local Governments' claim for intervenor compensation seeks an award of approximately \$48,000 in total, which is the reasonable cost of their participation in this important proceeding. The Joint Local Governments were impacted by the fires that were the subject of this Investigation and the Joint Local Governments had a vested interest in participating throughout the settlement process. The timeline of this proceeding was compressed due to PG&E's bankruptcy, which, combined with the breadth of factual and legal issues inherent in the multiple fires under investigation, required that settlement discussions be held weekly, and often multiple days per week.</p>	<p>The JLGs' interest and participation in this matter is noted.</p> <p>The JLGs' claimed contribution to D.20-05-019 is discussed above.</p>
<p>b. Reasonableness of hours claimed:</p> <p>The Joint Local Governments request compensation for approximately 130 hours of attorney time. The amount of time spent to participate in the settlement discussions in this proceeding was necessary, given the seriousness and breadth of the issues being addressed, the short timeline on which this proceeding had to be resolved, and the frequency with which the parties met during the settlement process. The weekly status reports filed by PG&E and the Safety and Enforcement Division show that the parties held settlement meetings once or twice per week between August and December 2019.</p> <p>The Commission should find that this level of participation was reasonable for any active participant in the settlement process.</p>	<p>The JLGs' claimed contribution to D.20-05-019 is as discussed above.</p>

	CPUC Discussion
<p><u>Outside CPUC Counsel</u></p> <p>Megan Somogyi served as the Joint Local Governments' lead attorney throughout this proceeding, attending all settlement discussions and taking the lead on reviewing the voluminous filings related to the settlement and ultimate resolution of this proceeding. Ms. Somogyi brought considerable CPUC experience to these matters, having been involved in numerous Commission proceedings, including general rate cases, electric and gas procurement proceedings, utility certification proceedings, transmission line siting matters, proceedings involving disposition of utility assets, proceedings involving transfer of control of a utility, and applications for utility infrastructure investments. Ms. Somogyi worked with co-counsel Brian T. Cragg, who provided assistance for the Joint Local Governments' general participation in the OII. Mr. Cragg has extensive experience in CPUC matters, having been an attorney and Assistant Chief ALJ at the Commission for 18 years before entering private practice.</p> <p><u>County of Sonoma</u></p> <p>Sonoma's individual interests were represented by the Sonoma County Counsel's Office. Sonoma's attorneys reviewed the proceeding documents to ensure that the scope of the issues being addressed in the OII and the settlement were consistent with the needs and views of Sonoma County, as well as the interests of the local government coalition as a whole. Sonoma's attorneys were also responsible for obtaining Board approval for certain actions, updating the Board on the progress of the OII, coordinating internally regarding OII issues, and performing the administrative tasks that accompany local government participation in formal proceedings.</p> <p>Petra Bruggisser is a Deputy County Counsel; she has held the position since February 2014. Mrs. Bruggisser is part of the County Counsel's litigation practice group, representing the County's interests and acting as litigation coordinator in a variety of matters, including the CPUC proceedings and PG&E civil litigation. Before joining Sonoma County, Mrs. Bruggisser was in private practice. Mrs. Bruggisser started her legal career as an attorney in Germany in 1999, and has been practicing law in California since 2005.</p>	
<p>c. Allocation of hours by issue:</p> <p><u>General Participation (35% of hours)</u></p> <p>General Participation work is essential to participation in the proceeding and typically spans multiple issues and/or is necessary for participating in the proceeding. This includes reviewing Commission rulings, review</p>	<p>Noted. The JLGs claim a total of 52.28 hours attending Settlement</p>

	CPUC Discussion
<p>of motions and other pleadings filed by other parties, attending status conferences, and other work that does not necessarily vary with the number of issues ultimately addressed. This also includes the internal coordination and information-sharing work necessary for City Attorneys and County Counsels to provide progress reports to, and obtain the necessary approvals from, their elected officials.</p> <p><u>Settlement Discussions (65% of hours)</u> Work related to settlement discussions includes time spent exploring settlement with the other parties to this proceeding, as well as efforts to reach agreement on specific settlement terms.</p>	<p>meetings. They report 65% of their time claimed on settlement discussions and the remaining 35% of time claimed on general participation.</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Megan Somogyi	2019	94.56	\$350.00	Res. ALJ-357	\$33,096	0 [1]	N/A [2]	\$0.00
Brian Cragg	2019	1.88	\$565.00	Res. ALJ-357	\$1,062.20	0 [1]	N/A [2]	\$0.00
Petra Bruggisser	2019	22	\$350.00	Res. ALJ-357	\$7,700	0 [1]	N/A [2]	\$0.00
Megan Somogyi	2020	7.68	\$350.00	Res. ALJ-357	\$2,688	0 [1]	N/A [2]	\$0.00
Subtotal: \$44,546.20						Subtotal: \$0.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Megan Somogyi	2020	12	\$170.00	½ of requested hourly rate	\$2,040	0 [1]	N/A [2]	\$0.00
Subtotal: \$2,040.00						Subtotal: \$0.00		
TOTAL REQUEST: \$46,586.20						TOTAL AWARD: \$0.00		
*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for								

CLAIMED			CPUC AWARD
<p>which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>			
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Megan Somogyi	December 2011	278659	No
Brian T. Cragg	February 1978	79268	No
Petra Bruggisser	December 2005	241173	No

C. Attachments Documenting Specific Claim and Comments on Part III:
(attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Time Sheets

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Failure to Demonstrate Substantial Contribution	<p>The hours claimed are disallowed for the JLGs’ failure to demonstrate they made a substantial contribution to D.20-05-019.</p> <p>“Substantial Contribution” means that, in the judgment of the CPUC, the Customer’s or the Eligible Local Government Entity’s presentation substantially assisted the CPUC in the making of its order or decision because the order or decision adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the Customer or Eligible Local Government Entity. A party may make a substantial contribution to a decision in various ways. It may offer a factual or legal contention upon which the CPUC relied in making a decision. It may advance a specific policy or procedural recommendation that the Commission adopted. A substantial contribution includes evidence or argument that supports part of the decision, even if the</p>

⁴ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Item	Reason
	<p>CPUC does not adopt a party’s position in total. <i>See</i> IComp Program Guide at 17 and Public Utilities Code § 1802(j).</p> <p>“In assessing whether [the substantial contribution] standard has been met, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed.” (D.20-02-030 at 5 citing D.98-04-059.) The record does not reflect any factual contentions, legal contentions, or specific policy or procedural recommendations presented by the JLGs, which were adopted in whole or in part by the Commission in the final decision. The final decision does not mention the JLGs at all.</p> <p>We note the JLGs’ attendance at settlement negotiations, as reflected in the Joint Status Reports of Pacific Gas and Electric Company and the Safety and Enforcement Division of the California Public Utilities Commission. However, attendance at the settlement negotiations alone, does not demonstrate that the JLGs made a substantial contribution to the Commission's final decision. (<i>See</i> D.18-12-009 at 18 citing D.98-04-059.) The JLGs did not join the settlement agreement or file any comments regarding the settlement agreement.</p> <p>The JLGs do not demonstrate that their claimed hours in this proceeding were for a presentation that made a “substantial contribution” to a Commission decision as outlined in Public Utilities Code § 1802(j), and therefore, this claim is denied in its entirety.</p>
[2] Hourly Rates	Because we disallow all of the hours claimed, we do not reach the issue of the reasonableness of the requested hourly rates.

PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (*see* § 1804(c))**

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	No

If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Mendocino, Napa, and Sonoma Counties and the City of Santa Rosa have not made a substantial contribution to D.20-05-019 as described herein.

CONCLUSION OF LAW

1. The Claim should be denied.

ORDER

1. The intervenor compensation claim of Mendocino, Napa, and Sonoma Counties and the City of Santa Rosa for contribution to Decision 20-05-019 is denied.
2. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2005019		
Proceeding(s):	I1906015		
Author:	ALJ Park		
Payer(s):	N/A		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Mendocino County Napa County Sonoma County City of Santa Rosa	July 6, 2020	Mendocino: \$11,229.38 Napa: \$7,759.88 Sonoma: \$18,929.38 Santa Rosa: \$7,759.88	\$0.00	N/A	Failure to make substantial contribution

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Megan	Somogyi	Attorney	\$350	2019	N/A
Brian	Cragg	Attorney	\$565	2019	N/A
Petra	Bruggisser	Attorney	\$350	2019	N/A
Megan	Somogyi	Attorney	\$350	2020	N/A

END OF APPENDIX